

APR 10 2013

CMW
BY: JULIA C DUDLEY, CLERK
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IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION
APRIL 2013 SESSION

| | INDICTMENT |
|--------------------------|-------------------------------------|
| UNITED STATES OF AMERICA |) |
| |) Criminal No. <u>3:13 CR 00008</u> |
| |) |
| |) In violation of: 18 U.S.C. § 2(b) |
| |) 18 U.S.C. § 2261A(1) |
| v. |) 18 U.S.C. § 2261(b)(5) |
| |) 18 U.S.C. § 2261(b)(6) |
| |) 18 U.S.C. § 1028(a)(7) |
| |) 18 U.S.C. § 1028(b)(2)(B) |
| KENNETH EDWARD KUBAN |) 18 U.S.C. § 2262(a)(1) |
| |) 18 U.S.C. § 2262(b)(5) |

COUNT ONE

The Grand Jury charges that:

1. Between on or about January 31, 2013, and on or about March 12, 2013, in the Western District of Virginia and elsewhere, the defendant, KENNETH EDWARD KUBAN, traveled in interstate commerce or within the special maritime and territorial jurisdiction of the United States, with the intent to injure, harass, and intimidate another person, and in the course of, and as a result of, such travel placed that person in reasonable fear of serious bodily injury, and caused substantial emotional distress to that person.

2. All in violation of Title 18, United States Code, Sections 2261A(1) and 2261(b)(5) and Title 18, United States Code, Section 2(b).

COUNT TWO

The Grand Jury charges that:

3. Between on or about January 31, 2013, and on or about March 12, 2013, in the Western District of Virginia and elsewhere, the defendant, KENNETH EDWARD KUBAN,

traveled in interstate commerce or within the special maritime and territorial jurisdiction of the United States, with the intent to injure, harass, and intimidate another person, and in the course of, and as a result of, such travel placed that person in reasonable fear of serious bodily injury, and caused substantial emotional distress to that person, and in doing so violated a protection order within the meaning of Title 18, United States Code, Section 2266(5).

4. All in violation of Title 18, United States Code, Sections 2261A(1), 2261(b)(5), and 2261(b)(6) and Title 18, United States Code, Section 2(b).

COUNT THREE

The Grand Jury charges that:

5. Between on or about January 31, 2013, and on or about March 12, 2013, in the Western District of Virginia and elsewhere, the defendant, KENNETH EDWARD KUBAN, knowingly possessed, transferred, and used, in and affecting interstate commerce, without lawful authority, a means of identification of another person with the intent to commit, and in connection with, a violation of Federal law, specifically Title 18, United States Code, Sections 2261A(1) and 2262(a)(1).

6. All in violation of Title 18, United States Code, Section 1028(a)(7) and 1028(b)(2)(B).

COUNT FOUR

The Grand Jury charges that:

7. Between on or about January 31, 2013, and on or about March 12, 2013, in the Western District of Virginia and elsewhere, the defendant, KENNETH EDWARD KUBAN, entered within the boundaries of the Library of Congress, an area within the special maritime and territorial jurisdiction of the United States under Title 18, United States Code, Section 7(3), with the intent to engage in conduct that would violate the portion of a protection order, as defined by

Title 18, United States Code, Section 2266(5), that prohibits contact with another person in the jurisdiction in which the protection order was issued, and subsequently engaged in such conduct within the boundaries of the Library of Congress.

8. All in violation of Title 18, United States Code, Sections 2262(a)(1) and 2262(b)(5).

A TRUE BILL this 10 day of April, 2013.

Christine McKinney
FOREPERSON

Timothy J. Heaphy/
TIMOTHY J. HEAPHY /
UNITED STATES ATTORNEY / PWT